

REMARKS

Claims 1-31 are presently pending. Claims 1, 11, and 21 have been amended. Therefore, claims 1-31 remain pending in the present application.

Claim Rejections – 35 U.S.C. § 103

Claims 1-2, 4-6, 8-12, 16-19, and 21-30 were rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent Application Publication No. 2003/0130033 to Loose (“Loose”) in view of U.S. Patent No. 7,008,324 to Johnson et al. (“Johnson”). Claims 3 and 31 were rejected under 35 U.S.C. § 103(a) as being obvious over Loose in view Johnson in further view of U.S. Patent No. 6,648,757 to Slomiany et al. Claim 7 was rejected under 35 U.S.C. § 103(a) as being obvious over Loose in view of Johnson in further view of U.S. Patent No. 5,876,284 to Acres et al. Claims 13-15 and 20 were rejected under 35 U.S.C. § 103(a) as being obvious over Loose in view of Johnson in further view of U.S. Patent Application Publication No. 2003/0186739 to Paulsen et al. The Applicants respectfully request that the Examiner reconsider and withdraw these rejections in light of the amendments to the claims and the following remarks.

Personal Interview and Interview Summary

The Applicants note with appreciation the interview with the Applicants’ representatives and Examiners D’Agostino and Hotaling on March 13, 2008. Pursuant to the discussions in the interview, the Applicants have amended independent claims 1, 11, and 21 to clarify the invention.

The Applicants agree with the Interview Summary Sheet provided at the end of the interview in which the Examiners acknowledged that agreement with respect to Johnson’s teaching was not reached.

Independent Claims 1, 11, and 21

Independent claims 1 and 11 have been amended to clarify that the display of the visual bonus indicator on the first display of a first gaming machine is terminated “without awarding a bonus award to said player of said first gaming machine.” Similarly, independent claim 21 was amended to clarify that the visual bonus indicator controller is adapted to terminate display of the visual bonus indicator on certain ones of said displays “without awarding a bonus award to said player of said gaming machines having said certain ones of said displays thereon.”

As explained in the interview, neither Loose nor Johnson discloses the features set forth in amended claims 1, 11, and 21. Specifically, neither Loose nor Johnson discloses terminating the display of the visual bonus indicator on a first display of a first gaming machine “**without awarding a bonus award** to said player of said first gaming machine” and displaying a visual bonus indicator on a second display of a second gaming machine, “said displaying indicating to a player that **a probability** exists of a bonus award being awarded on said second gaming machine”, as in claims 1 and 11. Likewise, neither Loose nor Johnson discloses terminating display of a visual bonus indicator on certain displays “**without awarding a bonus award** to said player of said gaming machines having said certain ones of said displays thereon, said display of said visual bonus indicator indicating to a player **a probability** of a bonus award being awarded on a gaming machine upon which it is displayed,” as in claim 21.

The Office Action acknowledges that “Loose is silent on said displaying indicating to a player that a probability exists of a bonus award being awarded” on said gaming machine. Office Action, p. 4-5. The Applicants respectfully submit that Johnson is also silent regarding the displaying of a visual bonus indicator on a certain display indicating that **a probability** exists of a bonus award being awarded. Rather, Johnson’s displaying of a visual bonus indicator on a certain display or screen segment indicates that **a certainty** exists of the bonus award associated with that certain display or screen segment being awarded.

During the interview, issue was taken with the teaching of column 6, lines 53-61 of Johnson. This paragraph states:

An example of a presentation that may be used to attract players is illustrated in FIG. 4B. In this example, a frog 86 appears to jump from screen segment 78, which may be displayed on large video display 27, to screen segment 84. The frog may then randomly jump to an of the other screen segments 80 and 82. However, this presentation **may** also be used to award a prize. Each lily pad 86-88 **may** have prize value associated with it. Thus, if the frog jumps to lily pad 88, the player **would** win \$30. (Emphasis added.)

This portion of Johnson sets forth two possible uses for the presentation of FIG. 4B: (1) to attract players; and (2) to award a prize. The first part of this paragraph describe how the presentation of FIG. 4 may be used in an attract mode. The remaining part of the paragraph describes how the presentation of FIG. 4 may be used in an award mode to award a prize. In essence, this portion of Johnson states that if the presentation of FIG. 4 of Johnson is in the award

mode, a prize corresponding to the lily pad onto which the frog jumps will – as a **certainty** – be awarded. This is made clear by the use of the word “would” (rather than “may,” as in the preceding sentences) in the last sentence: “Thus, if the frog jumps to lily pad 88, the player **would** win \$30.” Johnson, col. 6, ll. 60-61. Thus, the Applicants submit that this portion of Johnson is intended to be read as **if** the presentation of FIG. 4B is used to award a prize, and **if** each lily pad has a prize value associated with it, a player **will** win a prize associated with the lily pad onto which the frog jumps.

Alternatively, when the frog is being utilized as part of the attract mode, there is absolutely **no probability** that an award can or may be won. An attract mode is a standard industry term that describes a wagering game’s display characteristics when no player is currently at the gaming terminal. The purpose of the attract mode is to attract passers-by to play the game. The attract mode may also be used to demonstrate the game features to passers-by. However, when a gaming terminal is in attract mode, there is **no probability** that an award can be won on that gaming terminal, as that gaming terminal is **necessarily** not in use by a player and therefore there is no one capable of receiving an award.

Therefore, in the attract mode, the appearance of the frog on a particular display **does not** indicate that a probability of winning an award exists, as no award can ever be won from an attract mode. Alternatively, in the award mode, the appearance of the frog on a particular display or screen segment 78 in Johnson indicates a **certainty**—not a **probability**—of a bonus award corresponding with that screen segment 78 being awarded. Additionally, the display of the visual bonus indicator on a particular display or screen segment does not terminate “without awarding a bonus award” associated with that particular display or screen segment, as in the amended claims. Rather, “if the frog jumps to lily pad 88, the player **would win** \$30.” Johnson, col. 6, ll. 60-61.

Accordingly, the Applicants believe that independent claims 1, 11, and 21 are allowable. Claims 2-10, 12-20, and 22-31, which depend on claims 1, 11, or 21, are believed to be allowable for at least the same reasons.

Conclusion

It is the Applicants’ belief that all of the claims are now in condition for allowance and action towards that effect is respectfully requested. The Applicants respectfully request that a timely Notice of Allowance be issued in this case. If there are any matters that may be resolved or

clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at the number indicated.

A check covering the extension of time is being submitted herewith. The Commissioner is authorized to deduct any other fee that may be required (except the issue fee) to Nixon Peabody LLP, Deposit Account No. 50-4181, Order No. 247079-000237USPT. A duplicate copy of this paper is enclosed.

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Respectfully submitted,

By 

Daniel J. Burdham

Reg. No. 39,618

Nixon Peabody LLP

161 N. Clark St., 48th Floor

Chicago, IL 60601

Attorney For Applicants